



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



April 3, 2003

CERTIFIED MAIL #7000 0600 0023 9934 3549
RETURN RECEIPT REQUESTED

John D. LaRiviere, Plant Manager
Wheelabrator Concord Company, L.P.
11 Whitney Road
Penacook, NH 03303

Letter of Deficiency
WMD 03-10

**SUBJECT: January 2003 Composite Ash Sample Results
Reporting Requirements
Permit No. DPHS-SW-86-006**

Dear Mr. LaRiviere:

On March 13, 2003, Mr. David J. Rousseau of the New Hampshire Department of Environmental Services (DES) received a telephone call from Wheelabrator Concord Company, L.P. (Wheelabrator) personnel regarding Wheelabrator's waste-to-energy facility located at 11 Whitney Road in Penacook, New Hampshire. In the March 13, 2003 telephone call, Wheelabrator personnel reported that the analytical results for ash sampling conducted for January 2003 indicate that cadmium is in violation of the allowable standard. Pursuant to the facility permit (Permit No. DPHS-SW-86-006), Wheelabrator prepared a letter describing the event. For reference, the letter date stamped March 18, 2003 and received by Fax, is attached to this correspondence.

In accordance with RSA 149-M:9, a permit is required to operate a solid waste facility in New Hampshire. Pursuant to Env-Wm 302.02 of the New Hampshire Solid Waste Rules, a facility at which solid waste is collected and processed shall operate in accordance with its permit. Based on the facility's permit, analytical results for ash shall be provided to DES monthly. The January 2003 report was overdue at the time DES received it. DES understands the unique and unfortunate circumstances regarding personnel at the facility, however, it is important that timely reporting is maintained.

Please prepare a plan of amended procedures to ensure that late reporting does not occur in the future. Measures should be taken to ensure that testing with long-term turn around, for example the dioxin analyses, does not affect the reporting requirement for the monthly sampling parameters. DES believes the above noted deficiency can be corrected by preparing an amended procedure for reporting within thirty (30) days from the date of this letter.

All information as requested should be addressed to David J. Rousseau, Supervisor, Solid Waste Compliance Section WMD, Department of Environmental Services, 6 Hazen Drive, PO Box 95, Concord, NH 03302.

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In the event compliance is not achieved within the time period indicated, DES may initiate formal action against you, including issuing an Order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties.

Your prompt cooperation is appreciated. If you have questions regarding this matter, please do not hesitate to contact David J. Rousseau of the Solid Waste Management Bureau at 271-2925.

Sincerely,

 **COPY**

Richard S. Reed
Administrator
Solid Waste Management Bureau

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Enc. Copy of letter rec'd by Fax date stamped March 18, 2003

cc: Gretchen Rule, DES Legal Unit
Michael A. Sills, P.E., WMD
David J. Rousseau, SWMB
SWMB File/DB